

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:20-CR-80-TAV-HBG
DEONTAY R. EILAND,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant's Motion to Continue [Doc. 19], as well as Amended Motion to Continue [Doc. 20], both filed on November 30, 2020.

Defendant requests [Doc. 19] for the Court to continue the December 1, 2020 trial date and all other related deadlines in this case, stating that defense counsel, Attorney Mike Whalen, was only recently retained in the present case and requires additional time to review the extensive provided discovery. The Amended Motion [Doc. 20] includes that Defendant is aware that the motion will extend the time under the Speedy Trial Act by excluding the time between the filing of this motion and his next trial date, should the Court grant his motion. The Motion [Doc. 19] also relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of May 18, 2021.

The Court finds the Defendant's motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendants and the public in a speedy

trial. 18 U.S.C. § 3161(h)(7)(A). Attorney Whalen was only recently retained to represent Defendant on November 3, 2020, and needs additional time to review the provided discovery and meet with Defendant. Additionally, Chief United States District Judge Travis R. McDonough issued Standing Order SO-2021, continuing all jury trials between November 30, 2020, and January 15, 2021. This Standing Order finds that due to the “reduced ability to obtain an adequate spectrum of jurors and the risks posed to the jurors and the public due to the increased prevalence of COVID-19 in all divisions, the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant’s right to a speedy trial” between November 30, 2020, and January 15, 2021. E.D.TN SO-20-21. The Court expressly finds this time to be excluded under the Speedy Trial Act. E.D.TN SO-20-21.

Accordingly, Defendant’s Motion to Continue [Doc. 19], as well as Amended Motion to Continue [Doc. 20], are **GRANTED**, and the trial is reset to **May 18, 2021**. The Court finds that all the time between the filing of the motion for a continuance on **November 30, 2020**, and the new trial date of **May 18, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for concluding plea negotiations shall be **April 19, 2021**. The parties are to appear before the undersigned for a final pretrial conference on **May 3, 2021, at 11:00 a.m.** This date shall also be the deadline for providing reciprocal discovery. The Court instructs the parties that all motions *in limine* must also be filed no later than **May 3, 2021**. Special requests for jury instructions shall be submitted to the District Judge no later than **May 7, 2021** and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

(1) Defendant’s Motion to Continue [**Doc. 19**], as well as Amended Motion to Continue [**Doc. 20**], are **GRANTED**;

(2) The trial of this matter is reset to commence on **May 18, 2021, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;

(3) All time between the filing of the motion on **November 30, 2020**, and the new trial date of **May 18, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

(4) The deadline for concluding plea negotiations shall be **April 19, 2021**;

(5) The parties are to appear before the undersigned for a final pretrial conference on **May 3, 2021 at 11:00 a.m.** This date is also the deadline for providing reciprocal discovery;

(6) The Court instructs the parties that all motions *in limine* must be filed no later than **May 3, 2021**; and

(7) Special requests for jury instructions shall be submitted to the District Judge no later than **May 7, 2021** and shall be supported by citations to authority pursuant to Local Rule 7.4.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge